Remarks

Applicant has reviewed the non-final Office Action dated May 8, 2001, from the United States Patent and Trademark Office, and respectfully submits the above proposed changes to the drawings and the following remarks in response thereto. Claim 1 has been amended, and claim 3 has been canceled without prejudice or disclaimer. Currently, claims 1, 2, and 4 - 11 are pending in the application.

Applicant hereby affirms the election of Group I, claims 1-5 with traverse. Accordingly, claims 6 - 11 are withdrawn from consideration.

As discussed above, Applicant proposes labeling figures 2 and 3 of the drawings as "Related Art", as suggested by the Examiner. Applicant respectfully requests the Examiner's approval of these changes.

Although Applicant appreciates the suggestion of the Office Action, Applicant respectfully declines the invitation to amend the title, and respectfully asserts that the title is indicative of the invention.

Claims 1, 3, and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,072,263 to *Watanabe et al.* (*Watanabe*) in view of U.S. Patent No. 5,118,986 to *Ohnuma et al.* (*Ohnuma*). Claims 2 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Watanabe* in view of *Ohnuma*, and further in view of U.S. Patent No. 4,303,847 to *Glaser*. Applicant respectfully traverses the rejections for the following reasons.

Claim 1 as amended, is directed to a device having an insulating layer including an anodic oxidation of aluminum material, where the insulating layer absorbs impurities in the device. Specifically, claim 1 recites "the insulating layer being an aluminum oxide layer formed by anodic oxidation of the aluminum material, the insulating layer being formed by a porous aluminum oxide layer which functions as an impurity absorber." Applicant respectfully asserts that at least these combinations of features are not shown or suggested by *Watanabe*, *Ohnuma*, and *Glaser* either alone or in combination.

The Office Action first asserts that the non-organic light emission layer 4, the light-transmitting electrode 2, and the back electrode 6 of *Watanabe* are analogous to the claimed EL

layer, lower electrode, and upper electrode, respectively. The Office Action further asserts that it would have been obvious to use an organic light emissive layer of *Ohnuma* in place of the non-organic light emission layer 4 of *Watanabe*. Even if Applicant agreed with these assertions, which Applicant does not, these references still do not show or suggest the combinations of features recited in claim 1. Specifically, *Watanabe* does not show or suggest using a porous film to absorb impurities. Rather, the silicon oxide film 10 of *Watanabe* is used to absorb external damage, and is not used to absorb impurities. For these reasons, Applicants respectfully assert that *Watanabe* does not show or suggest at least these combinations of features of the claim.

Additionally, Applicant respectfully asserts that neither *Ohnuma* nor *Glaser*, either when taken alone or in combination, suggests these combinations of features of independent claim 1.

MPEP §2144.03 states that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka* 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Further, for a proper rejection under 35 U.S.C. §103(a), "the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention." MPEP §2141. For these reasons, Applicant respectfully requests that the rejection of independent claim 1 under 35 U.S.C. §103(a) be withdrawn and the claim allowed.

Claims 2, 4, and 5 depend from independent claim 1, and are therefore also allowable for at least the same reasons and for the separate features they include. Thus, Applicant respectfully requests that the rejections to these claims be withdrawn and the claims allowed.

Further, regarding the features of dependent claim 5, Applicant respectfully traverses the assertion that the features of the "aluminum sheet...formed in such a manner that a surface of said aluminum oxide layer is subjected to gas flow-out treatment in vacuum, and therefore said lower electrode, organic EL layer, and upper electrode are sealed on the substrate in an atmosphere of inert gas" has no unobvious differences from *Watanabe*. There is absolutely no teaching or suggestions of such features in any of the applied applied references. Therefore, Applicants respectfully request that the rejection of the claim be withdrawn.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of the application and timely allowance of the pending claims. Applicant respectfully invites the Examiner to contact the undersigned if there are any outstanding issues that can be resolved via a telephone conference.

EXCEPT for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTION PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Attached hereto are the changes made by this amendment. The attached sheets are captioned "Version with Markings to Show Changes Made."

Respectfully submitted,

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By: _____ Reg. No. 40,411
for Philip J. Hoffmann
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Dated: September 10, 2001

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Version with Markings to Show Changes Made

IN THE CLAIMS:

Claim 1 has been amended as follows.

1. (Amended) An organic EL device comprising:

a lower electrode formed on a substrate;

an organic EL layer formed on the lower electrode;

an upper electrode formed on the organic EL layer;

a sealing member for sealing said lower electrode, organic EL layer and upper electrode on said substrate so that they are covered with the sealing member, wherein said sealing member is made of an aluminum material coated with an insulating layer in its inner surface**, said insulating layer being an aluminum oxide layer formed by anodic oxidation of said aluminum material, and said insulating layer being formed by a porous aluminum oxide layer which functions as an impurity absorber**.

Claim 3 has been canceled without prejudice or disclaimer.